



PENNIE & EDMONDS LLP (CKET NO. 10165-010-999

Express Mail No.: EL 501 635 573 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner To be assignedArt Unit 1636Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/547,220 filed on April 11, 2000.

of Michael Brines, Anthony Cerami, and Carla Cerami
(inventor(s) currently of record in prior application)for MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN
(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	11	-20	0	\$18.00 each	\$ 0.00
Independent	1	-3	0	\$80.00 each	\$ 0.00
Minimum Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 0.00
Total					\$ 710.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					\$ 355.00
Total Filing Fee					\$ 355.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a division of application no. 09/547,220, filed April 11, 2000, the entire contents of which are incorporated herein by reference in its entirety.
- 4a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this

NY2 - 1144833.1

T00019354.A

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☐ The prior application is assigned of record to The Kenneth S. Warren Laboratories, at Reel , Frame .
- 7a. ☐ The Power of Attorney appears in the original papers in the prior application no. A copy of the executed Power is enclosed.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
- 8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application.
- 9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no.
- 10. ☐ Additional enclosures or instructions.

Respectfully submitted,

Laura A. Coruzzi

by Eileen E. Fahay
46,097
Reg No.

30,742

Date November 21, 2000

Laura A. Coruzzi
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711
(212) 790-9090

(Reg. No.)

Express Mail No. EL 501 637 075US First Class Mail ()
Date Mailed 2/22/01
Ser. No. 091711, 057 Filed 11/21/00
Inventor Brines et al.
For MODULATION OF EXCITABLE TISSUE FUNCTION BY
PERIPHERALLY ADMINISTERED ERYTHROPOIETIN

- | | |
|--|---|
| () Affidavit/Declaration | () Fee Address Indication Form |
| (X) Amendment <u>Preliminary + Request</u> | () Fee Calculation |
| () Application <u>Pages to Establish Small Entity</u> | () Issue Fee Transmittal |
| () <u>Claims</u> <u>Drawings</u> <u>Entity</u> | () Letter |
| () Appeal, Notice of | () Oral Hearing Req./Confirm. |
| () Assignment | () Petition to Extend Time |
| () Brief (in triplicate) | () Pet. under 37 C.F.R. |
| () Declaration & Power of Attorney | () Power of Attorney |
| () Design Application | <u>Associate</u> w/Avocation |
| () Disclaimer | () Sequence Listing w/Computer Readable and Paper Copies |
| (X) Disclosure Statement + PTO Form 1449 | () Small Entity Statement |
| () w/refs. (X) w/o refs. <u>List of References</u> | () Status Letter |
| () Drawings Formal | () Transmittal Letter |
| <u>Sheets</u> <u>Figures</u> | |

Other: Application Data Sheet Under 37 CFR 91.72

File No. 10165-010-999 Sender: LAC/EEF

Express Mail No. EL 501 637 075US First Class Mail ()
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Ser. No. 091711, 057 Filed 11/21/00
Inventor Brines et al.
For MODULATION OF EXCITABLE TISSUE FUNCTION BY
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